

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**ECONOMY STONE MIDSTREAM
FUEL, LLC, et al.**

PLAINTIFFS

V.

CIVIL ACTION NO. 4:08-CV-127-SA-DAS

M/V A.M. THOMPSON, et al.

DEFENDANTS

ORDER

On September 26, 2008, Economy Stone Midstream Fuel, LLC filed its Complaint, asserting maritime claims against the M/V A.M. Thompson (the Vessel). On October 28, 2008, Business First Bank filed its Intervenor Complaint, also asserting claims against the Vessel. Ergon Marine & Industrial Supply, Inc. (Ergon) filed an Intervenor Complaint on October 31, 2008, asserting claims against the Vessel; Eagle Marine Towing, Inc. (Eagle Marine); James S. Coleman; and Alan J. Fein. Bobbens, Inc., d/b/a Benedetto's Market intervened on November 21, 2008, asserting a maritime claim against the Vessel, and, finally, L&L Oil and Gas Service, LLC, intervened on December 2, 2008, also asserting a maritime claim against the Vessel.

On April 14, 2009, this Court ordered the interlocutory sale of the Vessel and allowed Business First Bank to credit bid up to the value of its claim on the condition that Business First Bank be obligated to pay any and all claims senior in priority to its mortgage. On May 11, 2009, Business First Bank purchased the vessel via a credit bid for \$260,000.00.

On August 27, 2009, this Court ruled that Business First Bank had a preferred mortgage senior in priority to the other claims asserted against the Vessel. See Econ. Stone Midstream Fuel, LLC v. M/V A.M. Thompson, 2009 U.S. Dist. LEXIS 76975, *24-*25 (N.D. Miss. Aug. 27, 2009).

On October 13, 2009, this Court granted a default judgment in favor of Ergon against Eagle

Marine and Alan J. Fein. See Econ. Stone Midstream Fuel, LLC v. M/V A.M. Thompson, 2009 U.S. Dist. LEXIS 98818 (N.D. Miss. Oct. 13, 2009). On December 3, 2009, the Court granted a default judgment in favor of Ergon against James S. Coleman and ordered the parties to show cause why this action should not be closed. No party responded.

Therefore, as it does not appear that any actual case or controversy remains in this matter, the Court orders that this case is closed.

So ordered on this the 5th day of January, 2010.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE